

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Cieplak, W.

Group Art Unit: TBA

CONTINUATION of
Serial No. : 09/128,911

Examiner: TBA

Filed : January 26, 2001

For : PERTUSSIS TOXIN GENE: CLONING AND EXPRESSION

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231
BOX PATENT APPLICATION

Sir:

Prior to examination and calculation of the filing fee, please amend the application as follows.

IN THE SPECIFICATION

Please amend the specification as follows.

Please delete the sentence on page 1, line 3-4 which begins with "This is a continuation ...". Replace this sentence with the following:

--This application is a continuation of application serial no. 09/128,911 filed on August 4, 1998, which is a divisional of application serial no. 08/483,326 filed on June 7, 1995, which is a continuation of application serial no. 07/542,149 filed on June 22, 1990, which is a continuation of application serial no. 07/311,612 filed on February 15, 1989. --

Express Mail Label No. EF099150502US

598925_1

IN THE CLAIMS

Please cancel claims 1-4 and add the following new claim.

5. (new) A method of producing a polypeptide, said polypeptide comprising at least a portion of mature S1 subunit of *B.pertussis* toxin, including position 9 of the mature S1 subunit which exhibits substantially reduced ADP ribosyltransferase activity compared to wild-type *B.pertussis* toxin, wherein said polypeptide comprises an epitope reactive with a protective antibody against *B.pertussis* toxin and comprises an amino acid at position 9 of said mature S1 subunit of *B.pertussis* toxin other than arginine, said method comprising the steps of:

- expressing the polypeptide from DNA encoding the polypeptide; and
- isolating the polypeptide.

REMARKS

Applicants respectfully request favorable consideration of the present application and claim. Early and favorable action by the Examiner is earnestly solicited.

No additional fee is believed to be necessary.

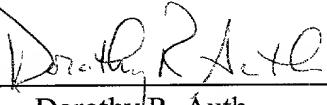
The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4253US4.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition and for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any

overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2026-4253US7. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: 

Dorothy R. Auth
Registration No. 36,434

Dated: January 26, 2001

MORGAN & FINNEGAN
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Telecopier

598925_1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Witold Cieplak

Serial No. : 09/128,911

Group Art Unit: 1653

Filed : August 4, 1998

Examiner: Bugaisky, G.

For : PERTUSSIN TOXIN GENE: CLONING AND EXPRESSION

COMMISSIONER FOR PATENTS
Washington, D.C. 20231
BOX AF

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. §1.36(a))

Sir:

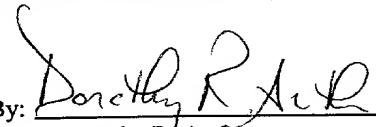
1. This is a petition for an extension of time for filing a Utility Application and Fee Transmittal (1.53(b)).
2. The communication in connection with the matter for which this extension is requested
 is filed herewith.
 is being filed on January 26, 2001.
3. Applicant(s) is/are entitled to Small Entity Status. Small Entity Statement is attached.
 Statement has already been filed.
4.

	Total Months <u>Requested</u>	Fee for Other <u>than Small Entity</u>	Fee for <u>Small Entity</u>
a.	<input type="checkbox"/> one month	\$110.00	\$55.00
b.	<input type="checkbox"/> two months	\$390.00	\$195.00
c.	<input checked="" type="checkbox"/> three months	\$890.00	\$445.00
d.	<input type="checkbox"/> four months	\$1,390.00	\$695.00
e.	<input type="checkbox"/> five months	\$1,890.00	\$945.00
f.	<input type="checkbox"/> An extension for _____ months has already been secured for filing the above-identified communication and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested. The fee for this extension (\$ _____), minus the fee previously paid (\$ _____) equals \$ _____ (total fee due).		
5. A check in the amount of _____ to cover the extension fee is attached.
6. Charge fee to Deposit Account No. 13-4500. Order No. 2026-4253US6. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7. [X] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500. Order No. 2026-4253US6. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: 
Dorothy R. Auth

Registration No. 36,434

Dated: January 26, 2001

CORRESPONDENCE ADDRESS:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Facsimile

FORM: PET-XOT.NY
Rev. 11/13/98